

UNITED STATES BANKRUPTCY COURT

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NORTHERN DISTRICT OF NEW YORK

CLERK OF THE
BANKRUPTCY COURT
N.D. OF NY
ALBANY

In re:

KRIS ROGLIERI, Debtor

Chapter 7 Case No. 24-10157-REL

AFFIDAVIT OF HARDSHIP DUE TO UNLAWFUL EVICTION

In response to: Motion #345 to Remove Trustee
March 17, 2025

I, **Linda Oliver**, am the Power of Attorney for **Kris Roglieri** and his girlfriend. I submit this affidavit to document the **extreme hardship, financial distress, and legal violations** I suffered due to Trustee **Christian Dribusch's** unlawful eviction and misconduct related to the bankruptcy estate at **40 North Road, Queensbury, NY**.

I. UNLAWFUL EVICTION & TRUSTEE MISCONDUCT

1. Trustee's Illegal Actions

Trustee **Christian Dribusch** unlawfully evicted me from my residence at **40 North Road, Queensbury, NY**, by:

- **Changing the locks** while I was at work, without notice.
- **Falsely claiming he had a court order**, though no such order exists in PACER or Housing Court records.
- **Leaving me homeless** and depriving me of my belongings, work attire, personal property, and mail.

2. Violations of New York Law (RPAPL § 713 & RPAPL § 853)

- Under RPAPL § 713, a **legal resident** cannot be removed without a **court order**, even in bankruptcy.
- RPAPL § 853 entitles a **wrongfully evicted tenant** to damages, including **treble damages** for illegal eviction.
- Trustee **Dribusch** acted **beyond his legal authority** by removing me **without a valid court order**.

3. Violation of Due Process (Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950))

- **Due process** requires **notice and a hearing** before depriving someone of **housing rights**.

- By locking me out without notice, **Trustee Dribusch denied me due process, violating my constitutional rights.**

II. EXTREME FINANCIAL & EMOTIONAL HARDSHIP

1. Sudden Eviction & Homelessness

- On **June 12, 2024**, at approximately **4:00 PM**, while I was at work **four hours away**, Mr. **Dribusch** sent me a text message stating that **the locks had been changed**.
- I had **no prior warning** and was left **homeless overnight**.
- I was **stranded**, unable to retrieve my **clothing, work essentials, personal belongings, and mail**.

2. Severe Financial Consequences

As a direct result of this **wrongful eviction**, I suffered **significant financial losses**, including:

- **Forced withdrawal from retirement accounts (Roth & SEP)**, incurring a **10% penalty**, which will increase my **2024 tax burden**.
- **Emergency housing expenses**, including **hotel stays, extended lodging, and food** while displaced.
- **Moving costs**, including **packing supplies, U-Haul rentals, gas, and movers**.
- **Security deposit & rent for new housing**, which was not available until **July 1, 2024**, forcing me to pay **additional fees to move in early**.
- **Penalty fees** due to **unexpected relocation expenses**.

III. LEGAL VIOLATIONS BY TRUSTEE DRIBUSCH

1. Breach of Fiduciary Duty (11 U.S.C. § 704)

A **Chapter 7 trustee** is legally required to **act in the best interest of the estate and creditors**.

In **In re AFI Holding, Inc., 530 F.3d 832 (9th Cir. 2008)**, trustees were removed for:

- **Mismanagement of estate assets.**
- **Bad faith administration.**
- **Failure to protect estate property.**

Trustee **Dribusch's** actions mirror those in **AFI Holding**, warranting his removal under **11 U.S.C. § 324**.

IV. REQUEST FOR COURT CONSIDERATION & SEALED SUBMISSION OF EVIDENCE

I respectfully submit additional evidence to support my affidavit, including:

- **Affidavits from individuals who personally witnessed my hardship due to the eviction:**
 - **Affidavit of Jowita (Professional & Personal Witness)**
 - **Affidavit of Michael (Personal Witness)**
 - **Affidavit of Diego (Fashion Industry/Client Witness)**
- **Screenshots of text messages documenting my distress after the wrongful eviction.**

Sealing of Personal & Financial Information

Due to the sensitive nature of these records, which contain personal financial information and witness identities, I respectfully request that they be sealed from the public record. This includes:

- **My financial records, including bank statements and tax-related documents.**
- **The affidavits submitted in support of my hardship, to protect the privacy and personal identity of individuals providing testimony on my behalf.**
- **Screenshots of private communications that document my distress and financial impact.**

Additionally, I seek to submit a full statement detailing my financial hardship, including the total debt incurred due to the eviction. However, before providing these documents, I ask the Court to confirm that my personal financial records and supporting affidavits will be sealed to protect my privacy and that of my witnesses.

V. CONCLUSION: VIOLATION OF DUE PROCESS & TRUSTEE'S ABUSE OF POWER

Trustee Dribusch's actions caused:

- **Extreme financial hardship.**
- **Emotional distress.**
- **Professional harm.**

He unlawfully evicted me, violating both state and federal law.

He failed in his fiduciary duties, selectively administered assets, and deprived me of due process.

Request for Relief:

I respectfully request that the Court:

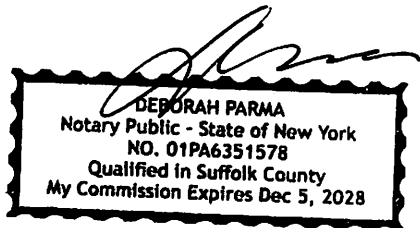
- 1. Acknowledge the severe harm caused by Trustee Dribusch.**
- 2. Grant my request to seal my submitted financial records, affidavits, and supporting evidence from public disclosure.**
- 3. Take corrective action to hold Trustee Dribusch accountable for his misconduct and abuse of power.**

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: March 17, 2025

Respectfully submitted,

Linda Oliver
Power of Attorney for Kris Roglieri



3/17/2025